IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 4752 of 2005

Between:

A. Polayya, S/o. Krishna Murthy,
R/o. 14-14-46, Mission Hospital Road, Nachuvari Center, Bhimavaram, West Godavari District.

.... PETITIONER

AND

1 The Superintending Engineer, Irrigation Circle, Eluru,
West Godavari District.

2 The Executive Engineer, Irrigation Circle, Eluru, West Godavari District.

3 District Collector, West Godavari District at Eluru.

4 Government of Andhra Pradesh, Rep. by its Secretary, Irrigation & Command Area Development Department, Secretariat Buildings, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records connected to order, DT. 31-1-2005 in O.A.No. 6789 of 2003

from the file of Hon'ble APAT, Hyderabad and quash the same as illegal, arbitrary and contrary to G.O.Ms.No.44, GAD, Dt. 17-2-2003 and pass other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 31.01.2005, passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.6789 of 2003.

2. The matter relates to the compassionate appointment. The petitioner sought appointment consequent upon the medical invalidation of his father, who was working as attender, but it was rejected on the ground that the Government abolished the Compassionate Appointment Scheme vide G.O.Ms.No.203, GAD, dated 27.04.2002.

3. Now it is brought to the notice of this Court that the Government itself reviewed the matter and issued G.O.Ms.No.44, dated 17.02.2003. In such a situation, the matter has to be considered in pursuance of the said Government Order.

4. In view of this, we find it appropriate to dispose of the Writ Petition by setting aside the order of the Tribunal and direct the authorities to consider the case of the petitioner in accordance with G.O.Ms.No.44, dated 17.02.2003, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 18.03.2005

ES

To

1 The Superintending Engineer, Irrigation Circle, Eluru,
West Godavari District.

2 The Executive Engineer, Irrigation Circle, Eluru,
West Godavari District.

3 The District Collector, West Godavari District at Eluru.

4 The Secretary, Government of Andhra Pradesh, Irrigation & Command
Area Development Department, Secretariat Buildings, Hyderabad.

5 2 CCs to G.P for Services-II, High Court Buildings,

Hyderabad (OUT)

6 2 CD copies.